

TEXAS HISTORIC COURTHOUSE PRESERVATION PROGRAM ROUND IX GRANT APPLICATION Application Procedures

Program Background

Texas courthouses are among the most widely recognized, used, and appreciated historic landmarks in our state. With some courthouses dating from as far back as the mid-19th century, they were among the first permanent structures in many counties. With their brick and stone towers, ornate cupolas, and soaring domes, they represent an impressive collection of public architecture. Not surprisingly, Texas has more historic courthouses than any other state—235 are still in active government use. With decades or even centuries of use, most of these structures have significantly deteriorated due to inadequate maintenance, insensitive modifications, or weather-related damage.

The Texas Historical Commission's nationally recognized and award-winning Texas Historic Courthouse Preservation Program (THCPP), which was established in June 1999 by the Texas Legislature and Gov. George W. Bush, has turned around the trend of disrepair and begun restoring these treasured historic landmarks. The program awards three types of matching grants: planning grants for the development of architectural plans and specifications; construction grants for the anticipated preservation projects; and emergency grants to address issues endangering a historic courthouse or its occupants.

Since the program was created, over \$270 million has been appropriated by the Texas Legislature for courthouse preservation. To be considered eligible for this program, a building must be at least 50-years-old, have served or currently serve as a county courthouse, and have an approved master plan. Grant cycles are contingent upon funding from the legislature and are typically available in the fiscal year following a legislative session. The 84th Legislature, which met in 2015, has allocated \$20 million to the THCPP for the FY 2016-17 biennium.

Introduction

Please keep the following points in mind when applying for the Texas Historic Courthouse Preservation Program Round IX grant cycle:

- **Round IX Application Requirements:** All applicants must submit a Round IX Grant Application and complete Sections I-XVII. For a full restoration construction grant request, provide an updated project budget that anticipates FY 2017 construction cost data and updated plans and specifications. Grant requests for production of architectural plans and specifications or for addressing endangerment issues are optional, but may also be included with a request for full funding. Carefully read this Application Procedures document before submitting your application.
- **Intent:** The Texas Historical Commission (THC) may award three types of grants in Round IX: planning grants for the owner to produce architectural plans and specifications; construction grants for the anticipated full restoration project; and possibly emergency grants to address issues endangering a historic courthouse or its occupants. The program awards planning and construction grants based upon the sum of scores assigned to 21 criteria, and emergency grants based upon five criteria, including endangerment.
- **Eligibility:** All historic county courthouses currently owned by a county or municipality that serve or have served as the county courthouse and that have approved preservation master plans are eligible to apply for Round IX.
- **Project execution:** All successful applicants should be prepared to begin work within six (6) months of award and should finish within thirty-six (36) months unless otherwise approved by the THC.
- **Round IX application submittal:** Round IX applications and/or revisions to previous applications must be received **no later than 5 p.m. on January 8, 2016**. One original signed, unbound copy of the application materials should be submitted.

Address for Postal Service mail:

Texas Historical Commission
THCPP Grant Application
P.O. Box 12276
Austin, TX 78711-2276

Physical address for Overnight Delivery:

Texas Historical Commission
THCPP Grant Application
108 West 16th Street, upstairs
Austin, TX 78701
512/463-6094

Please note that regular and overnight Postal Service mail is routed to the Capitol Complex and may take an additional 5 days to reach us after it is received. We recommend mailing these materials well in advance of the deadline or use an overnight courier to our physical address.

Grant Application

Section I. General Information

This section calls for basic location, ownership and construction information on the historic courthouse.

Property Name: If the structure is currently used as a courthouse, identify it using the county name (e.g. Winton County Courthouse). If it now serves another function, provide the historic name and the current name, if they are different (e.g. 1914 Winton County Courthouse/Winton Public Library).

Applicant Name: The current county judge or mayor will receive copies of all program materials and correspondence. Should a change occur in office during the course of the project or another local government contact is preferred, participants should notify the THC as soon as possible.

Address, City, Zip Code, County, Telephone and Email: Current mailing address where program information can be sent and applicant contacted.

Completion Date: For the purpose of this program, the age of the courthouse is determined by the date of the first official commissioners court meeting in the building and not by the cornerstone inscription or date of dedication. Court minutes should serve as the official record.

Date(s) of Major Modifications: Modifications that must be noted in this section include such projects as additions, removal or replacement of key architectural elements, reconfiguration of interior public spaces and major landscaping changes. Court minutes, newspaper articles, dated photographs and other documents should serve as official records.

Building Ownership: Please state who or what entity owns the building. Only buildings owned by a county or municipality are eligible to apply.

Current Function as a Courthouse: Does the commissioners court still hold its regularly scheduled meetings in the building? Does a judge hold court here? Is the building designated as the official county courthouse? Are public notices posted at the building? If not, what other county government functions does it serve?

Section II. Contact Information: Please provide information of the individual who will serve as the principal contact and decision-maker for information related to the grant program if this individual is not the county judge or city mayor.

Section III. Historical Designation: (provide attachments as necessary) This section documents the extent to which the building has been recognized as a historic property.

National Register of Historic Places: This federal designation is administered by the THC in coordination with the National Park Service. Properties may be individually listed on the National Register and/or listed as a contributing resource in a National Register historic district. Determinations of eligibility for National Register listing can be conducted by the THC in connection with federally funded projects.

Recorded Texas Historic Landmarks: These are Texas properties judged to be historically and architecturally significant. The properties must be at least 50 years old and are identified by an Official Texas Historical Marker.

State Antiquities Landmarks: Generally publicly-owned, buildings or sites are designated by the THC and receive legal protection under the Antiquities Code of Texas. Listing in the National Register is a prerequisite for State Antiquities Landmark designation of a building.

Local designation: If the structure has received a municipal designation from a city of 1.5 million or more in population, a letter of certification from the city should be attached.

Eligible for historic designation: A property may be determined eligible for historic designation by the THC and/or certified as a “historic courthouse” by the THC to other state agencies as worthy of preservation. Attach an eligibility determination or certification letter.

If you have any questions about historical designations, contact the THC’s History Programs Division at 512/463-5853.

Section IV. Architectural Significance: Briefly describe the structure’s architectural significance. Is it one of the best examples of a particular style or a particular architect’s work? Is it one of the last remaining examples? What are the design elements that make it unique? Is it similar in overall design to other existing courthouses in the state from the same period of construction?

Section V. Historical Significance: Briefly describe why the courthouse is important historically. Since all courthouses are considered significant as centers of government and early town planning, your description should focus more on events and individuals associated with this particular structure — i.e., noteworthy jurists, trials, sheriffs, community gatherings and events. The significance of these associations on a local, state or national level should also be discussed.

Section VI. Original Integrity: Since courthouses typically are altered over the years, please document the architectural integrity of the building. Describe the elements of the original design and materials that remain intact and visible. Conversely, describe which features were removed. Which features remain but were covered over by later construction? What aspects of the condition of the original building remain unknown?

Section VII. Endangerment: Describe why the building would be considered in immediate danger or threatens the life and safety of its occupants. Attach recent reports, good photos and supporting documentation that detail a specific threat, such as: extensive electrical code violations, building code inspector’s condemnation notices, evidence of pending litigation for ADA non-compliance, structural engineer’s assessments or demolition proposals.

Section VIII. Summary of Project: This section provides information on the work to be accomplished with the requested grant funds. It also describes work required to complete the restoration in accordance with the master plan and any other work to be accomplished by the applicant with local funds.

A. Project Description: Provide a description of the proposed project. Highlight the major tasks that will and will not be accomplished. Which county offices will be housed in the building upon completion?

B. Treatment Approach: Identify the principal philosophical approach or “treatment” for the proposed preservation project using the Secretary of the Interior’s *Standards for the Treatment of Historic Properties*. Identify the treatment that the project principally represents and identify elements of the project that meet the other treatment definitions, e.g., “the basement area will be rehabilitated,” or “the clock tower will be reconstructed to match the missing historic construction.”

The four distinct, but inter-related approaches are: preservation, rehabilitation, restoration and reconstruction. **Preservation** focuses on the maintenance and repair of existing materials, both historic and non-historic. **Rehabilitation** acknowledges the need to modify the property to meet current needs while retaining the building’s historic character. **Restoration** is undertaken to depict the building and significant historic site features at a particular time in its history, while removing incongruous evidence of other periods. **Reconstruction** recreates vanished or non-surviving portions of a property for the purpose of presenting its earlier appearance.

C. Project Scope: Describe how the proposed work will address inappropriate changes — additions, replacement of key elements, reconfiguration of space, and other changes — that were made over the years? Will the inappropriate changes be reversed? Will all aspects of a plan to fully restore the building be undertaken?

D. Records Plan: The applicant should have a current and specific, itemized plan for properly housing and protecting records before, during and after the restoration work, whether or not they are affected by the construction activities. Note that this is not a records retention schedule. See outline provided on the THC web site under “Courthouse FAQs.” Attach a copy of the records plan to the application.

E. Conformance with Preservation Master Plan: The approved master plan contained an approach to the project that was accepted by the THC. Have these plans changed in any way? If the project was proposed in the master plan as phased, which phases are included in the current proposal? If the master plan proposed alternates and/or phases, please explain the rationale for the scope selected for this application. Since the master plan was developed, have conditions in the building changed to affect the scope or cost of the work?

F. Project Results: Will all significant interior public spaces and the exterior be accurately restored to the courthouse’s original or greatest period of architectural significance? Will all significant missing elements be reconstructed and all significant finishes and features of this particular period be restored? Are there aspects of the complete project described in the master plan that will not be undertaken? What additional work will be undertaken and when? Greater emphasis will be given in application scoring to projects that result in a complete restoration.

Section IX. Photographic Documentation: (include compact disks as an attachment to application) At least 10 high quality digital images representing the building are required with the application. The images should be labeled with applicant name and view, of good quality, and provide current overviews of the structure within its setting. Views of key interior and exterior architectural elements, one each of the four facades and major public spaces must be provided.

Section X. Estimated Full Restoration Project Budget: Use the budget form to document estimated or probable costs for the entire project in 2017 dollars. Please note that construction costs have escalated since the previous application rounds, and a previously prepared estimate will likely be inadequate to cover project costs for construction work that will be initiated in 2016-17. Applicants should attach a detailed estimate with quantity take-offs and unit costs prepared by their project professional as additional information.

The THC reserves the right to negotiate any budget changes that might be necessary. Every effort should be made to make the budget as accurate as possible, since program funds are limited and grants generally will not be adjusted after awards are made. Further, grant recipients will be held responsible for all costs incurred above the estimated amount and will be required to accomplish the full scope of the work described in the application.

Certain project costs, although they may be necessary to accomplish the owner's broader goals (such as upgrades in computer equipment) cannot be funded through the program at this time. See the budget instructions for detailing of eligible and ineligible project costs. Note that ineligible projects costs are not figured into the total allowable project cost figures and are not considered in either scoring or funding decisions.

Section XI. Project Funding Request: The Texas Historic Courthouse Preservation Program (THCPP) provides funding for up to 85 percent of requested full construction project costs in state dollars when properly matched by owner contributions totaling at least 15 percent of the total project cost. Higher matches will be required for planning and emergency awards, which are discussed in Section XII and the Optional Emergency Funding Request addendum.

Note that the "total project cost" used to figure the match requirements and the grant request includes direct construction costs, overhead and profit, professional services, and a contingency amount. However, it shall not include ineligible project costs as detailed in the budget instructions.

A. Match Requirements: The applicant's share can either be in cash or as cash and credits figured in two parts. The minimum match, or the sum of cash contribution and planning credits, is 15 percent of the total (allowable) project cost. Applicants are encouraged to offer a higher than minimum cash match or overmatch, and will be awarded additional points for doing so. Credits for planning costs will not count toward cash overmatch.

The Actual Match may include cash and planning costs associated with the master plan and/or architectural plans. Expenses incurred in preparing the required preservation master plan and/or architectural plans and specifications for construction work in conformance with the approved master plan may be included in this section only if paid by the county without THCPP grant assistance. Note that final submittals for new master plans and/or architectural plans and specifications not previously approved are due to the THC for final approval by **December 11, 2015**.

B. Grant Funds Requested: To allow more projects to be assisted with state funding, we encourage applicants to provide cash overmatch and minimize the funds requested of the state. Evaluation of the application and consequently, award decisions by THC, will take into account the funds requested by each applicant and the total program funds available. Grantees may be required to provide a higher contribution to qualify for the funds.

List all previously awarded THCPP grants and the grant rounds in which they were received. The total of all previous grants and the applicant's Round IX grant request cannot exceed \$6 million per applicant.

Section XII. Architectural Plans and Specifications: Once the county has received approval of its master plan, it may proceed on its own or with grant assistance to prepare detailed architectural plans and specifications for the proposed scope of work. Counties that demonstrate their financial commitment to the project by completing and receiving THC approval of their construction plans by the scheduled deadline will be given an additional 10 points. Counties should keep in mind, however, that the development of plans and specifications is not a guarantee of a grant award. Any previously approved 95 percent complete architectural plans associated with a previous planning grant will be considered shovel-ready, however, these documents should reflect the applicant's current scope of work.

If the applicant has a master plan but not the architectural plans and specifications, or blueprints are needed to put their project out to bid, please indicate if the county would be willing to accept and match an award at a minimum of 33 percent to develop these plans. Complete Section XII in order to be considered for this type of grant.

A. Planning Project Budget Summary: Eligible architectural and engineering services will be based on a maximum of 13 percent of the total allowable construction cost as transferred from the Estimated Project Budget form. Total professional planning services costs are all the architectural and/or engineering services plus additional professional services not typically provided by the architect and engineering consultants. Typical reimbursement expenses are also included with the 13 percent maximum. Some examples of eligible additional services are a historic finish analysis or acoustical assessment of the building.

B. Match Requirements: The minimum local match for a planning grant is 33 percent of the Total Professional Planning Services costs as calculated in Section A. No credit toward the minimum match for prior planning expenditures by the applicant, including master plan preparation, is offered for this type of grant.

C. Planning Grant Funds Requested: The cash contribution match by the applicant plus the grant funds requested must equal the total professional planning services costs as calculated in Section A.

Section XIII. Preservation Easements and/or Deed Restrictions: (include attachments as necessary) Preservation easements ensure the long-term protection of the owner's and state's investment, and therefore strongly encouraged. If the county has a deed restriction currently in effect on the courthouse that was granted in conjunction with an earlier THC program prior to the Texas Historic Courthouse Preservation Program grant program in 1999, please attach copies to the application. If the county would be willing to grant a preservation easement to the THC as a result of this application being funded, please indicate on the form. Points will be given to counties that demonstrate their willingness to protect the financial investment over an extended period of time.

Section XIV. Evidence of Local Support: (include no more than 10 attachments)

This section provides the opportunity for counties to demonstrate local support for their courthouse preservation project. Letters should show a wide range of support and participation from civic groups, communities, political leaders, local preservationists and other interested parties. Evidence of a county's commitment to the program should also include details of local preservation programs and incentives, as well as a plan that shows how the courthouse restoration will impact surrounding historic resources.

Section XV. Compliance with State Courthouse Laws: (include attachments)

Please indicate the county's record of compliance with relevant state laws regarding courthouse preservation (Section 442.008 of the Texas Government Code; Texas Antiquities Code; and/or existing deed restrictions). Discuss work conducted in cooperation with, or under the review authority of, the THC since 1980 and 1999. Include copies of letters from the county notifying the THC of proposed work, along with the THC responses. Points will be given to counties that have clearly demonstrated evidence of past commitment to existing preservation laws.

Section XVI. Anticipated Additional Work

If the project proposed in the application will not result in a fully restored courthouse, describe future work that would be needed, and whether it might be part of a future courthouse grant application. All elements of restorative work identified in the preservation master plan must be included in the funding request for it to be considered a full restoration.

Section XVII. Resolution of Support: (include attachment) A copy of the commissioners court or city council resolution in support of the Texas Historic Courthouse Preservation Program grant application and all commitments made therein is required.

Signature of Legal Representative: The legal representative can be the county judge, city mayor, a county commissioner or any other local official duly authorized by the commissioners court or city council for the purposes of this application.

Addendum: Optional Emergency Funding Request

If a case for extreme endangerment is made and the applicant is willing to accept the terms of an emergency grant to address it, complete Sections I-IV of the Grant Application Addendum.

Section I. Summary of Project

A. Description of Need: Please attach any relevant reports, photos and other supporting materials that describe the specific threat, problem or need. Professional assessments and/or thorough, detailed documentation of the problem is required for any request in this category.

Fully describe the current problem or building deficiency and why it is considered an urgent problem in need of immediate repair. Include information on the existing conditions which shows the extent of any damage to the building. Explain if the problem is localized or if it extends throughout the building.

Explain how this problem constitutes a critical need. Does the problem pose an immediate threat or danger to the building or its occupants? How? Provide background on how long this problem has existed. How often does this problem impact the users and use of the building? Does the problem restrict use of the building in any way?

B. Emergency Project Description: Provide a detailed description of the proposed project. All work included in the project should be covered such as: demolition of existing materials, hazardous materials remediation (if any), repair of existing materials, replacement of materials and reconstruction of any missing elements. Provide as specific information as possible on the type and qualities of new materials. Explain if the work will have any visible impact on the building.

Briefly explain how this work meets the Secretary of the Interior's *Standards for the Treatment of Historic Properties*, generally being either the Standards for Preservation or Rehabilitation.

Preservation focuses on the maintenance and repair of existing materials, both historic and non-historic. **Rehabilitation** acknowledges the need to modify the property to meet current needs while retaining the building's historic character. The standards are found on our website at www.thc.state.tx.us/preserve/buildings-and-property/standards-and-guidelines.

Attach any available drawings, sketches, proposals, reports and/or specifications that relate to this proposed work unless the commission already has received and reviewed these documents. If the present scope of work does not correlate to the plans on file at THC, please clarify how the work currently proposed differs from any previously approved plans.

Any communication you wish to have with THCPP staff to delineate your project and establish a reasonable and well-defined scope or work is encouraged prior to submitting your application.

C. Project Impact: Please demonstrate that the project is an effective approach to address the issue most critical to the future use of the courthouse. Are there other approaches or options that could be considered? If the project proposed in the application will not resolve all issues endangering the building and its occupants, describe future work that would be needed and whether it might be part of a future courthouse grant application.

Additionally, explain how urgent the need is for the problem to be addressed in a timely manner. Describe any foreseeable outcomes or collateral damage that may be caused if this work is not undertaken in the next two years.

D. Conformance with Preservation Master Plan: The approved master plan contained a treatment and recommendations to the courthouse that was accepted by the THC. Is the proposed work included in the courthouse master plan as a recommendation? Please cite page from master plan and include as an attachment. Was it listed as a priority? If not, explain why it is a priority now.

It is strongly encouraged that any work currently proposed to the building should not preclude future conformance with the full scope of work as described in the master plan. Will portions of this currently proposed project need to be removed? Can they be incorporated into future phases of work, if any? Are future phases of work, such as a full restoration, anticipated?

Section II. Photographic Documentation of Endangerment: Provide a sufficient number of current photos of the building that demonstrate the extent and urgency of the emergency conditions that affect either the building or its users. Please provide good quality, digital and printed images that are clearly labeled with applicant name and view of image.

Section III. Estimated Project Budget Form: Complete the Round IX Estimated Project Budget form with costs to address the endangerment work. Please note that in addition to an estimated construction cost, your project budget must assume a cost for the professional services of an architect, engineer or other professional consultant. If a fee proposal has been provided for your proposed project by a professional consultant, use that figure; otherwise, use a reasonable percentage of the total project cost, not to exceed 16 percent. In addition, we strongly recommend that a cost contingency is provided for bidding or changes to the project during construction. Please contact your master plan architect and/or THCPP staff if you require advice on these project cost considerations. Please see Section X for information about how to complete this section.

Section IV. Emergency Project Funding Request: The intent of an emergency grant is to remedy critical problems that are endangering the building or its users. Emergency grants are awarded based upon the scores in 5 criteria and primary on the severity of the endangerment.

A. Emergency Project Budget Summary: Transfer the total allowable project cost from the budget prepared in Section IV.

B. Match Requirements: The minimum local match for an emergency grant is 50 percent of the total allowable project cost and no credit for planning expenditures by the applicant including master plan preparation or the production of architectural plans and specifications is offered for this type of grant.

C. Planning Grant Funds Requested: The cash contribution match by the applicant plus the grant funds requested must equal the total professional planning services costs a calculated in Section A.